



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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Third District

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Fifth District

August 3, 2006

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: David E. Janssen
Chief Administrative Officer

SPECIAL SESSION ON STATE PRISONS

At the June 27, 2006 Board meeting, Mayor Antonovich requested my office to seek recommendations from the Sheriff and Chief Probation Officer to forward to the Governor and the Legislature for the Special Session on prison overcrowding and recidivism.

The Special Session focuses on the construction of additional prisons and the development of local re-entry facilities, which would house inmates scheduled to be released into the community within the next 36 months in order to reduce overcrowding and recidivism problems at the State level. In this sense, the Special Session addresses prison overcrowding as primarily a State issue and thus, according to the Chief Probation Officer and the Sheriff, would have little or no direct impact on County operations. In their view, the Special Session also should be expanded to explore the potential benefits of a State-local partnership to enhance programs at the County level that have reduced State and local detention populations and recidivism. Such a cooperative effort would complement the Board's actions taken at the August 1, 2006 meeting to reduce overcrowding in the County jail system through the termination of contracted beds, activation of additional capacity and the use of alternatives to incarceration.

The Sheriff and Chief Probation Officer have reviewed the proposed agenda of the Special Session and indicate that its scope should be expanded to include support of specific local programs. Their recommendations are as follows:

- Funding for adult probation programs to reduce recidivism in the local and State criminal justice system;
- Full funding of Proposition 36 programs which mandate treatment for convicted drug users in lieu of incarceration;
- Full funding of the cost to house State inmates returning to prison so the County can avoid expending its own resources for this purpose;
- Funding for the construction, rehabilitation, and maintenance of County adult detention facilities to mitigate current overcrowding conditions and to improve access to various forms of treatment for those incarcerated; and
- Authority for the involuntary placement of low level offenders on electronic monitoring which would allow the County to keep high level offenders for a larger percentage of their sentence.

Each of these recommendations is discussed below.

Adult Probation Funding

The Probation Department notes that the State currently provides funding for juvenile probationers through the Schiff-Cardenas Juvenile Justice Grants. These funds have allowed the department to assist at-risk youth inside and outside of County detention facilities through additional treatment and prevention programs to address the needs of juveniles in the areas such as mental health, socialization, and avoidance of gang membership and drug use. Due in part to this funding, Los Angeles County now sends fewer juveniles to State facilities.

The Department seeks comparable State funding directed toward adult offenders and other high risk individuals who are likely to commit future crimes. Under this concept, the County could use these funds to provide increased supervision, additional treatment services, and aid in the successful completion of probation. In addition, services could be provided to assist the offender to avoid subsequent criminal activities that could lead to incarceration in State and local level facilities.

Full Funding for Proposition 36 Programs

According to the Probation and Health Services Departments, Proposition 36 provides drug users to treatment rather than incarceration, in the first year of implementation, Los Angeles County sent approximately 1,500 fewer persons to prison. The FY 2006-07 State Budget provides \$120 million in funding for Proposition 36, of which \$30 million is expected to be allocated to the County. This represents a shortfall of \$16.1 million of the amount the County needs in the current fiscal year to service the existing caseload. The Probation Department seeks \$46.1 million for full funding of Los Angeles County's Proposition 36 programs which is needed to provide basic services to all clients covered under the law. The FY 2006-07 State Budget also authorized a supplemental grant requiring counties to perform additional tasks which could bring the County as much as \$9 million of additional funds in support of enhancements intended to improved substance abuse treatment participation and completion rates. The State requires counties to provide matching funds as a condition of receiving the supplemental grant.

Proposition 36 has proven to be an effective approach to treatment which reduces recidivism among drug offenders. A modest statewide investment of \$89.3 million offers a promise of additional future reductions in the rates of incarceration. Additional funding for program treatment would be far less expensive than the cost of debt service on new prison facilities and the costs of their operation.

Full Funding of County Costs to House State Inmates

The Sheriff's Department indicates that the County currently houses State inmates returning to State prison due either to a parole violation or through the commission of a new crime. The State currently reimburses the County \$71.57 per day to house State inmates and our estimated revenues are \$17.3 million annually. The Auditor Controller has calculated the County's actual cost at \$83.50 per day. If the State were to fund our actual cost, it would provide the County with an additional \$2.9 million for a total of \$20.2 million annually. The Sheriff seeks to increase the per diem rate by the 16.7 percent which would allow the County to fully recover its costs under the program.

Funding for County Adult Detention Facilities

The Sheriff seeks additional funding for the construction, rehabilitation and maintenance of County detention facilities which would benefit at the State and local levels in the following ways:

- Ensuring appropriate beds for each type of inmate. This would increase the safety of County inmates and State inmates processed through County facilities;
- Providing appropriate space for programs intended to assist the inmate in successfully completing probation, and avoid further criminal activities and further incarceration at County or State facilities. These programs provide inmates assistance in the areas of substance abuse, mental health, education and medical services. Providing adequate treatment to County prisoners is consistent with the Governor's agenda to connect inmates to local law enforcement and social service providers as they transition from detention to parole status in the community; and
- Avoiding early release of County inmates. Early release of inmates that belong in custody presents a public safety hazard, and inmates that are released early are at higher risk of recidivism to County or State level incarceration. In addition, early release is a disincentive to participation in treatment alternatives such as Proposition 36 or drug court since the length of incarceration can be shorter than the term of treatment.

The Board previously took action in support of State funding of the County jail system in its letter of February 3, 2006, also signed by the Sheriff, regarding the Public Safety Bond Act of 2006 proposed by the Governor as part of the FY 2006-07 Budget, which would have provided resources for the construction, expansion, renovation, replacement or reconstruction of County jail facilities. This proposal was not included in the bond package placed on the November ballot.

Authorization for Involuntary Electronic Monitoring

The Sheriff also recommends support for legislation that would allow a County experiencing jail overcrowding to involuntarily place low level offenders on electronic monitoring. This would allow for the selective retention of higher level offenders in jail and mitigate the impact of the need to provide early releases of convicted offenders from County facilities. Currently, participation in this program is voluntary. This recommendation is consistent with the Board's action in support of this legislation at the August 1, 2006 meeting.

Conclusion

In conclusion, while the Sheriff and Chief Probation Officer believe that the Governor's Special Session would not directly affect the County, both indicate that the State could use the Special Session to enhance County programs and services that would benefit

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the State as well as the County. The County's proposals for additional funding are consistent with the Governor's agenda to mitigate and then eliminate the detrimental effects of overcrowding in detention facilities, and to reduce recidivism rates through the use of enhanced programming services.

These proposals are also consistent with County policy to support adequate State funding for Proposition 36 and ensure funding allocations to meet caseload growth, support State funding for adult probation services, support inclusion of County adult detention facilities in State bond funding, support State Budget funding for the full cost of housing State inmates, and to sponsor legislation to authorize the County to mandate electronic monitoring of inmates.

We will pursue these proposals in the Special Session and in the remaining weeks of the 2005-06 regular legislative session. These proposals will become part of the County's State Legislative Agenda for FY 2007-08.

DEJ:GK
MAL:SK:MS:cc

c: Executive Officer, Board of Supervisors
 County Counsel
 Sheriff
 Health Services
 Probation Department